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The Honorable Susan Y. Illston

6 Attorneys for Defendants  
MHN GOVERNMENT SERVICES, INC.,  
7 HEALTH NET, INC., and MHN SERVICES d/b/a  
MHN SERVICES CORPORATION, a Washington  
8 corporation

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 CINDY HIETT ET AL, on behalf of  
13 themselves, and all others similarly situated,

Case No. 3:13-cv-03016-SI

14 Plaintiffs,

15 v.

STIPULATION AND [~~PROPOSED~~]  
ORDER REGARDING INITIAL CASE  
MANAGEMENT CONFERENCE

16 MHN GOVERNMENT SERVICES, INC. ET  
17 AL

18 Defendants.

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STIPULATION AND [PROPOSED] ORDER  
REGARDING INITIAL CASE MANAGEMENT  
CONFERENCE  
[3:13-CV-03016-SI]

## STIPULATION AND PROPOSED ORDER

Plaintiffs Cindy Hiatt, Barbara Brown, Lisa Alicea, John Comerford, Cynthia Fugere, Adrienne Kraft, David Levy, Latonya Moore, Amy Sheaffer, Susan Solomon, James Wenrick, Kimberly Wilson, and Tammie Yancey (collectively "Plaintiffs") and Defendants MHN Government Services, Inc., Managed Health Network, Inc., Health Net, Inc., and MHN Services d/b/a MHN Services Corporation, a Washington corporation (collectively "Defendants"), by and through their respective counsel, stipulate and agree as follows:

**RECITALS**

WHEREAS, on July 1, 2013, the United States District Court for the Western District of Washington transferred this action to the United States District Court for the Northern District of California (ECF No. 88); and

WHEREAS, on September 9, 2013, the Court issued an Order relating this action to *Zaborowski v. MHN Government Services, Inc.*, C 12-0519 SI ("*Zaborowski*"), ECF No. 144; and

WHEREAS, the Court has stayed all litigation in the *Zaborowski* action pending the Ninth Circuit Court of Appeal's resolution of the defendants' appeal from the Court's Order denying arbitration, *Zaborowski*, ECF No. 84; and

WHEREAS, the same arbitration agreement at issue in the appeal before the Ninth Circuit Court of Appeals is also at issue in this action; and

WHEREAS, the parties in this action and in *Zaborowski* have agreed to participate in a mediation of their disputes scheduled for January 20, 2014; and

WHEREAS, on October 18, 2013, Defendants filed a request in the Ninth Circuit Court of Appeals on behalf of all of the parties in this action and in *Zaborowski* to stay proceedings in the Ninth Circuit Court of Appeals pending mediation; and

WHEREAS, the Court has scheduled an Initial Case Management Conference for October 22, 2013.

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**AGREEMENT**

In light of the foregoing, the Parties stipulate and agree that:

The deadline for the Initial Case Management Conference shall be extended to February 7, 2014.

Dated: October 18, 2013

/s/ Timothy J. Long  
Timothy J. Long (Cal. Bar No. 137591)  
Lauri A. Damrell (Cal. Bar No. 241010)  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
Attorneys for Defendants

Dated: October 18, 2013

/s/ Warren Martin  
Lewis L. Ellsworth (WSBA No. 11360)  
Warren E. Martin (WSBA No. 17235)  
Eric D. Gilman  
GORDON THOMAS HONEYWELL LLP  
Attorneys for Plaintiffs

**[PROPOSED ORDER]**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/21, 2013



The Honorable Judge Susan Y. Illston

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1 PRESENTED BY:

2 ORRICK, HERRINGTON & SUTCLIFFE LLP

3 By: /s/ Timothy J. Long

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